

WEDNESDAY, OCTOBER 1, 1997

Civil           KIM SULLIVAN  
No.            vs.  
C026692      U. S. COMNET, INC. ET AL.

By the Court:

Pursuant to the written stipulation of counsel, the appeal filed on May 27, 1997, is dismissed. It is further ordered pursuant to said stipulation that the parties shall bear their own costs and the remittitur shall issue forthwith.

Dated:           October 1, 1997

SIMS, Acting, P.J.

Crim.           THE PEOPLE                   (Not for Publication)  
No.            vs.  
C024605      FRONTIER PACIFIC INSURANCE COMPANY

The judgment is affirmed.

BLEASE, Acting P.J.

We concur:   SIMS, J.  
                 SCOTLAND, J.

Crim.           THE PEOPLE                   (Not for Publication)  
No.            vs.  
C022818      RICKY CARTER

The judgment is affirmed.

PUGLIA, P.J.

I concur:       SIMS, J.  
I concur with the majority opinion.  
                 DAVIS, J.

Crim.           THE PEOPLE                   (Certified for Partial Publication)  
No.            vs.  
C021506      RICKY CARTER

The judgment is affirmed. The superior court is directed to amend the abstract of judgment to show defendant's convictions for counts 11, 13, and 14 occurred on February 9, 1995 and to forward a copy of the amended abstract to the Department of Corrections.

PUGLIA, P.J.

I concur:       SIMS, J.  
.....I concur with the majority opinion.  
                 DAVIS, J.

WEDNESDAY, OCTOBER 1, 1997 CONTINUED

Crim. THE PEOPLE (Certified for Publication)  
No. vs.  
C021470 SHELDON NEWSOME AND EUGENE REDMAN

THE COURT:

.....This modification does not change the judgment. Appellant Newsome's petition for rehearing is denied.

FOR THE COURT:

MORRISON, Acting P.J.

BLEASE, J.

DAVIS, J.

Civil NORRIS D. SANDERS (Not for Publication)  
No. vs.  
C023657 ROBERT P. FLYNN ET AL.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.

SCOTLAND, J.

Juvenile In re JOHN W., A person coming under the Juvenile Court Law  
No. THE PEOPLE (Not for Publication)  
C026011 vs.

JOHN W.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.

MORRISON, J.

THURSDAY, OCTOBER 2, 1997

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C021909 JOHN EVAN HODGES

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that defendant was award 250 days credit for actual time served, and to forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, Acting P.J.

We concur: MORRISON, J.  
SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Civil WILLIAM JACKS, JR. (Not for Publication)  
No. vs.  
C022416 PLUMAS COUNTY SUPERIOR COURT  
BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS ET AL.

Having served its purpose, the alternative writ is discharged. The stay of further trial proceedings shall dissolve upon finality of this opinion as to this court. Plaintiff shall recover the costs incurred in this writ proceeding. (Cal. Rules of Court, rule 56.4.)

SCOTLAND, J.

We concur: PUGLIA, P.J.  
SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

THURSDAY, OCTOBER 2, 1997 CONTINUED

Crim.           THE PEOPLE                               (Not for Publication)  
No.               vs.  
C021113       BILLY RAY VADEN

Defendant's conviction for possession of methamphetamine (count III) is reversed. In accordance with part IV of this opinion, ante, the judgment is modified to stay \$150 of the \$300 drug program fee imposed pursuant to Health and Safety Code section 11372.7, subdivision (a), and to strike \$50 and to stay an additional \$50 of the \$150 criminal laboratory analysis fee imposed pursuant to Health and Safety Code section 11372.5, subdivision (a). In accordance with part VI of this opinion, ant, the judgment is further modified to reflect that the prior drug conviction enhancements are imposed pursuant to Health and Safety Code section 11370.2, subdivision (c). As modified, the judgment is affirmed.

The trial court is directed to amend the abstract of judgment to reflect these modifications and the reversal of defendant's conviction on count III, and to send a copy of the amended abstract of judgment to the Department of Corrections.

SCOTLAND, J.

We concur:   DAVIS, Acting P.J.  
                  SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Civil           DOUGLAS V. SHAW                               (Certified for Publication)  
No.               vs.  
C021828       THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

The judgment is affirmed. The University shall pay Shaw's costs on appeal.

SCOTLAND, J.

We concur:   SIMS, Acting P.J.  
                  SPARKS, J. \*

\*Retired Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

THURSDAY, OCTOBER 2, 1997 CONTINUED

Civil                    JANET LAURIE JOSEPH ET AL.                    (Not for Publication)  
No.                        vs.  
C019732                EAST QUINCY SERVICES DISTRICT

Insofar as the judgment awards interest at the rate of 10 percent and denies the right to make installment payments pursuant to Government Code section 970.6, it is reversed. The trial court's award of damages for breach of contract is also reversed. In all other respects the judgment is affirmed. The matter is remanded for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal.

RAYE, J.

We concur: PUGLIA, P.J.  
SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

FRIDAY, OCTOBER 3, 1997

Crim.	THE PEOPLE	(Not for Publication)
No.	vs.	
C025806	DANNY LESTER WIDENER	

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: RAYE, J.  
MORRISON, J.

FRIDAY, OCTOBER 3, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C020745 WILLIAM HARLAN HILL

The judgment is reversed.

DAVIS, Acting P.J.

We concur: SCOTLAND, J.

SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Crim. THE P EOPE (Not for Publication)

No. vs.

C024523 RUSSELL EUGENE MEFFORD

The judgment is affirmed.

SIMS, Acting P.J.

We concur: MORRISON, J.

CALLAHAN, J.

TUESDAY, OCTOBER 7, 1997

Crim. THE PEOPLE

No. vs.

C024671 ROBERT LAURENCE ESCOBEDO ET AL.

By the Court:

Appellant's petition for rehearing is denied.

Dated: October 7, 1997

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023929 TAMMY RENEE GUY

The judgment is affirmed.

RAYE, J.

We concur: SCOTLAND, Acting P.J.

MORRISON, J.

TUESDAY, OCTOBER 7, 1997 CONTINUED

Civil            PERRY ZEIGER            (Certified for Publication)  
No.            vs.  
C019828      STATE OF CALIFORNIA ET AL.

The judgments are reversed. Appellant shall recover his costs on appeal.

RAYE, J.

I concur:      SIMS, Acting P.J.  
I would affirm the trial court's judgment  
SCOTLAND, J.

Civil            JOHN F. and SONJA B.            (Not for Publication)  
No.            vs.  
C027114      SUPERIOR COURT, SHASTA CO.  
DEPARTMENT OF SOCIAL SERVICES ET AL.

The petitions are denied.

DAVIS, Acting P.J.

We concur:    RAYE, J.  
MORRISON, J.

Crim.           THE PEOPLE            (Not for Publication)  
No.            vs.  
C023862      DOCK JONES

The judgment is affirmed.

SPARKS, J.\*

I concur:      RAYE, J.  
I concur in the result only.  
NICHOLSON, Acting P.J.

\*Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

TUESDAY, OCTOBER 7, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025493 SALVADOR CABREA OSORNIO  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur: MORRISON, J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023514 JERRY DARWIN STEVENS  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur: SIMS, J.  
MORRISON, J.

Civil ERIC S., A Minor, ETC. (Not for Publication)  
No. vs.  
C022974 REDDING SPECIALTY HOSPITAL  
The judgment is affirmed.  
SPARKS, J. \*  
We concur: PUGLIA, P.J.  
MORRISON, J.

\*Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.



WEDNESDAY, OCTOBER 8, 1997

Crim. THE PEOPLE  
No. vs.  
C025838 LLOYD HOWARD MCNALLIE

By the Court:

The court having received and filed a certified copy of a certificate evidencing the death of appellant Lloyd Howard McNallie during the pendency of this appeal, all proceedings in the cause have permanently abated. The superior court is directed to enter its order to that effect. (See in re Jackson (1985) 39 Cal.3d 464, 480, citing People v. Dail (1943) 22 Cal. 2d 642, 659; People v. de St. Maurice (1913) 166 Cal. 201, 202.)

Dated: October 8, 1997

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024363 TYLER WADE JAMESON

The judgment of conviction is affirmed. The sentence is vacated and the matter is remanded for resentencing.

CALLAHAN, J.

We concur: SIMS, Acting P.J.  
RAYE, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025372 VICKIE NADINE TOWNSEND

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.  
CALLAHAN, J.

THURSDAY, OCTOBER 9, 1997

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024756 JASON FREDRICK HELLER

The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025053 RODNEY DUANE TRIHUB

The judgment is modified to stay service of the two-year term imposed on county six until defendant completes the unstayed part of his sentence, said stay then to become permanent. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy to the Department of Corrections. As modified, the judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024887 GILDA JILL LEDESMA

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
SIMS, J.

THURSDAY, OCTOBER 9, 1997 CONTINUED

Juvenile  
No.  
C024543

In re JACOB M., A person coming under the Juvenile Court Law  
THE PEOPLE (Not for Publication)  
vs.  
JACOB M.

The order is modified as follows: the maximum period of commitment is 152 months, and the minor is awarded 362 days custody credit. As modified, the order is affirmed. The juvenile court is directed to prepare an amended commitment order and to forward a certified copy to CYA.

SCOTLAND, J.

We concur: PUGLIA, P.J.  
CALLAHAN, J.

Crim.  
No.  
C022692

THE PEOPLE (Not for Publication)  
vs.  
GORDON EDMUND WATSON  
The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.  
CALLAHAN, J.

Civil  
No.  
C024125

ISSAC J. JOSEPH ET AL. (Not for Publication)  
vs.  
ALVIN R. WOHL ET AL.

The judgment is reversed. The Josephs shall recover their costs on appeal.

MORRISON, J.

We concur: DAVIS, Acting P.J.  
CALLAHAN, J.

TUESDAY, OCTOBER 14, 1997

Juvenile In re JASON C., A person coming under the Juvenile Court Law  
No. THE PEOPLE  
C025146 vs. (Not for Publication)  
JASON C.

The judgment is affirmed.

RAYE, J.

We concur: SIM, Acting P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025156 WALTER DANNY CEASAR

The judgment is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C020975 DARRICK JACQUES DOBYNES, ET AL.

The judgments are affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.  
BLEASE, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C021562 XAVIER PEREZ

The judgment is affirmed. Respondent's request for judicial notice  
is denied.

BLEASE, Acting P.J.

We concur: SIMS, J.  
SCOTLAND, J.

TUESDAY, OCTOBER 14, 1997 CONTINUED

Civil                   COUNTY OF EL DORADO           (Not for Publication)  
No.                    vs.  
C026027           JOSEPH W. SEARS, ET AL.

The requests for judicial notice are denied. The judgment is affirmed. The defendants shall bear their own costs on appeal. (See Code Civ. Proc., 1268.720.) In addition, the County shall recover its costs on appeal from the defendants.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
RAYE, J.

Crim.                THE PEOPLE           (Not for Publication)  
No.                    vs.  
C020045           JOHN WAYNE PIERCE

The judgment is modified to impose an additional five-year prison term. (667, subd. (a).) As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly and to send a copy of the amended abstract to the Department of Corrections.

BLEASE, Acting P.J.

We concur: SIMS, J.  
MORRISON, J.

Juvenile            In re SAMANTHA M., et al., Persons coming under the Juvenile Court  
No.                   Law  
C025098           BUTTE COUNTY CHILDREN'S SERVICES DIVISION  
vs.  
DONNA M.

The judgment is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.  
CALLAHAN, J.

WEDNESDAY, OCTOBER 15, 1997

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023769 DONALD LAWRENCE PEQUEEN

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.  
CALLAHAN, J.